

**United States Bankruptcy Court**  
**Western District of Michigan**  
One Division Ave., NW  
Room 200  
Grand Rapids, MI 49503

**IN RE:** Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

**Timothy Dean Conrad**  
2021 Fern Beach  
Battle Creek, MI 49014  
SSN: xxx-xx-1969

**Debtor(s)**

**Case Number 05-16239-jrh**

**Chapter 7**

**Honorable Jeffrey R. Hughes**

**NOTICE OF HEARING**  
**TRUSTEE'S MOTION FOR SALE OF VEHICLE UNDER SECTION 363**

The above motion has been filed with the Bankruptcy Court. Your rights may be affected. **You should read these papers carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)**

If you want the court to consider your views on this matter, attend the hearing scheduled to be held before the Hon. Jeffrey R. Hughes on July 6, 2006 at 12:30 pm at Room 114, US Courthouse and Federal Bldg., 410 W. Michigan Ave. Kalamazoo, MI

You or your attorney may wish to file a response explaining your position. Such response should be received at least three business days prior to the scheduled hearing. A copy should also be served upon the party who has filed the motion to his/her attorney. **Please refer to Administrative Order 2004-06 (Mandatory Electronic Filing), effective January 1, 2005, for practices and procedures for filing pleadings with the Court.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

PLEASE NOTE: NOTICE IS HEREBY GIVEN that the court may, in its discretion, orally continue or adjourn the above hearing on the record in open court. If this occurs, parties in interest will not be given further written notice of the continued or adjourned hearing. If an entity is not present at the originally scheduled hearing, information regarding the time, date and place of an orally continued or adjourned hearing may be obtained at the Clerk's office from the court files or docket.

This Notice has been returned to Matthew L. Lager. It is Matthew L. Lager (s'/s) responsibility to ensure that service of this Notice and the referenced Motion is made upon the appropriate parties not less than twenty (20) days prior to the date of hearing. (sc)



DANIEL M. LAVILLE  
CLERK OF BANKRUPTCY COURT

**Dated:** June 5, 2006

/S/ \_\_\_\_\_  
Shelli Combs  
Deputy Clerk

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION

\* \* \* \* \*

IN RE:

Case No. HK 05-16239  
(Chapter 7 filed 10/10/05)

TIMOTHY DEAN CONRAD,

HON. JEFFREY R. HUGHES  
Bankruptcy Judge

Debtor.

/

**MOTION FOR SALE OF VEHICLE UNDER §363**

Thomas R. Tibble, Trustee, through counsel, states as follows:

1. He is the duly appointed and acting Trustee in this Chapter 7 proceeding filed October 10, 2005.
2. Included in the property in this estate is a 2002 Honda Motor Cycle, Model CBR900RR, VIN #JH2SC50092M008517 (the "Vehicle"), with mileage of approximately unknown.
3. The Vehicle is not subject to a lien.
4. The Trustee has received an offer to purchase the Vehicle from Michael Johnson for the sum of \$1,500.00. The offeror is not an insider. The bid is based upon seasonal wholesale.
5. The Trustee proposes that the Vehicle be offered for sale in open Bankruptcy Court on the following terms:
  - (a) Bidding shall commence at \$1,500.00 with subsequent bids in increments of not less than \$100.00.
  - (b) The sale shall be on a cash basis with the successful bidder being required to make payment in full in cash or certified funds at the conclusion of the bidding. No contingent bids shall be received. The purchaser shall pay all applicable sales tax.

- (c) The Vehicle shall be sold on an "as is, where is" basis, without representation or warranty, express or implied, of any kind, nature or description, including, without limitation, any warranty by description or marketability, merchantability, or usability, or of fitness for any purpose. The Trustee shall not be required to inspect or test or report on the condition of the Vehicle or the existence of any possible defects in the Vehicle.
- (d) The Vehicle shall be assigned to the purchaser without warranty of title. Possession shall be given to the purchaser at closing.
- (e) The described Vehicle shall be sold free and clear of all liens, encumbrances, and/or claims therein in accordance with 11 U.S.C. 363(f), with said liens, encumbrances, and/or claims attaching to the sale proceeds in the same order of validity, rank, and priority as now exists in the Vehicle. Any and all liens, claims and encumbrances shall be discharged when a copy of a subsequent Order Confirming Sale entered by this Court is filed with the applicable Department of Motor Vehicles for transfer of title of the Vehicle.
- (f) Any and all expenses of custody, protection, insurance or sale, including administrative and all legal expenses of these proceedings relating to the protection and sale of the Vehicle, shall be charged against the sale proceeds with priority over all lien creditors and other claimants.
- (g) Arrangements for inspection of the Vehicle to be sold can be made by contacting Thomas R. Tibble, Trustee, 2813 West Main Street, Kalamazoo, Michigan 49006, (269) 342-9482.
- (h) Any person objecting to the validity, propriety or legality, and/or having any objection of any kind to the sale as described herein, shall file a written objection to the sale on or before five (5) business days before the date set for the hearing on this Motion and simultaneously serve a copy thereof on the Trustee and the attorney for the Trustee at the addresses listed on this Motion, in accordance with Bankruptcy Rule 6004(b).

6. The Trustee believes that the sale of the Vehicle pursuant to the terms herein is in the best interests of the estate and its creditors.

WHEREFORE, Thomas R. Tibble, Trustee, prays:

A. That this Court authorize the sale of said Vehicle upon the terms and conditions set forth herein to Michael Johnson for \$1,500.00, or to any other purchaser for any additional sums as may be bid in open Court.

B. That the Court determine that the buyer is a good-faith purchaser for purposes of 11 U.S.C. §363(m).

C. That the Trustee be authorized to execute the necessary documents in conformance with the within terms, and to pay all expenses needed for closing to take place.

D. For all other relief that this Court finds just and equitable.

LEWIS, REED & ALLEN, P.C.

Dated: 6/2/06

By: /s/

Matthew L. Lager (P58589)  
Attorneys for Trustee  
136 East Michigan Avenue, Suite 800  
Kalamazoo, MI 49007  
(269) 388-7600